

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Paul Jackson Nilson)
)
)
Plaintiff,) Civil Action No.:
)
vs.) Demand for Jury Trial
)
Portfolio Recovery Associates)
LLC.)
)
Defendant.)

COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, Paul Nilson, by and through counsel and hereby files his Complaint against Portfolio Recovery Associate LLC., showing the Court as follows:

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337. Declaratory relief is available

pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Plaintiff resides here, and defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff, Paul Nilson, is a natural person residing in Gwinnett County, Georgia.

4. Defendant, Portfolio Recovery Associate LLC (hereinafter "PRA LLC."), is a Virginia corporation engaged in the business of collecting debts in this state with its principal place of business located at 120 Corporate Blvd, Ste 100, Norfolk, VA 23502. The principal purpose of Defendant is the collection of debts using the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another. Defendant can be served at National Registered Agents, Inc, 160 Greentree Drive, Ste 101, Dover, De, 19904.

5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. On or about February 28, 2009, undersigned counsel filed a Chapter 13 petition for bankruptcy for Plaintiff in the

Northern District of Georgia, Atlanta Division and assigned case number 09-65196.

7. Plaintiff filed a petition and schedules with the bankruptcy court which listed on Scheduled F a debt owed to Capital One in the amount of \$600.00 for a credit card account with the account number of 5178052597379466 (Exhibit A)

8. The Notice of Bankruptcy Filing was served upon the Defendant (Exhibit A)

8. Defendant filed a Proof of Claim for \$1,351.83 on March 12, 2009 as Claim #1. (Exhibit B)

9. Defendant's Proof of Claim states that it purchased the debt from Capital One Bank for account ending in 9466.

10. Defendant had actual knowledge that Plaintiff was in an active Chapter 13 bankruptcy.

11. Defendant has actual knowledge that Plaintiff was represented by counsel.

12. On or about July 28, 2010, Defendant mailed a collection letter to Plaintiff stating that the Plaintiff owed \$1,513.66. (Exhibit C)

13. As a result of the acts alleged above, Plaintiff has suffered anxiety and stress due to this unjust demand for payment on a debt that was included in his bankruptcy and has

had to take time off from work and incurred expenses to meet with counsel to resolve this matter.

V. CLAIM FOR RELIEF

14. Plaintiff repeats and realleges and incorporates by reference paragraphs one through thirteen above.

15. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated 15 U.S.C. 1692b(6) by contacting the Plaintiff after knowing the Plaintiff was represented by an attorney
- (b) Defendant violated 15 U.S.C. 1692e by misrepresenting the character of the debt as being owed and immediately due to Defendant when the debt was included in a bankruptcy proceeding

16. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for declaratory judgment that Defendant's conduct violated the FDCPA, and Plaintiff's actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- a. Declaratory judgment that Defendant's conduct violated the FDCPA, and declaratory and injunctive relief for the defendants' violations of the state Act;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. § 1692k;
- d. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k;
- e. For such other and further relief as may be just and proper.

Respectfully submitted,

/s/_____
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